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QM12/0924

JONES, S	EXAMINER
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ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Best Available Copy

Office Action Summary

Application No.

09/739,503

Applicant(s)

REEVES, G. GEORGE

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 52-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 and 81-84 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1, claims 1-51, and 81-84 in Paper No. 7 is acknowledged.

2. Claims 52-80 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 7.

Specification

3. The abstract of the disclosure is objected to because it exceeds 150 words as required by 37 C.F.R. § 1.72(b). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-31, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 45, lines 1-2, the phrase "...said stroke data is transferred from the said cellular radiotelephone via a cellular telephone data channel..." is unclear. Is the stroke data being transferred to any particular device?

6. Claim 1 recites the limitation "the user's current location" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-31 inherit the deficiencies of Claim 1 by dependency.

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7. Claim 1 recites the limitation "said collection unit" in line 4. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 1 recites the limitation "the location" in line 4. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the course selected based on the user's current location" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 2 recites the limitation "said course data" in line 1. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 4 recites the limitation "said course data" in line 1. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 4 recites the limitation "said portable collection unit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 6 recites the limitation "said course data" in line 1. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 6 recites the limitation "said portable data collection unit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 6 recites the limitation "said portable unit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

16. The items noted hereinabove are only a few examples of deficiencies with the claims.

Applicant should review the entire specification, including the claims, and submit corrections for the informalities noted above, and for any other informalities found.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1, 4, 7-8, 12-19, 24, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves.

Reeves (U.S. 5,740,077) discloses a golf round data system including a portable data collection unit adapted to be carried by the user for displaying information to the user and for recording data concerning the golf round.

Regarding Claim 1:

A portable golf round data system comprising:

(a) a radiolocation receiver to receive at least one external locating signal from which a user's current location on a golf course can be determined;

(b) data storage in a collection unit for storing data relating to the location of golf course features;

(c) at least one microprocessor in said data collection unit operatively connected to the radiolocation receiver and to the data storage, the microprocessor programmed to:

1) determine the user's current location on the course from the external locating signal; and

2) generate graphical display data representing a portion of the course selected based on the user's current location; and

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(d) a graphic display to display a graphical representation of the selected portion of the course, the graphical display including the user's current location.

Regarding Claim 4:

- the course data is transferred to a portable collection unit by a connection to a data processor external to said portable data collection unit.

Regarding Claim 7:

- the selected portion includes the green of the hole being played and the part of the course between the user's present position and that green.

Regarding Claim 8:

- the graphic display is adapted to show the direction in which the user intends the ball to travel due to the next stroke.

Regarding Claim 12:

- the graphic display is adapted to show the time remaining to complete some selected portion of a golf round.

Regarding Claim 13:

- the graphic display is adapted to show the number of the hole currently being played.

Regarding Claim 14:

- a stroke register to register each stroke taken by a user.

Regarding Claim 15:

- stroke data storage for storing location data for each stroke taken until said data can be subsequently retrieved for further analysis or long-term storage.

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Regarding Claim 16:

- the graphic display is adapted to show the number of strokes a user has on the current hole being played.

Regarding Claim 17:

- the graphic display is adapted to show a scorecard with the number of strokes used on each hole completed and the total used on the round.

Regarding Claim 18:

- the graphic display is adapted to show the location of at least one selected previous stroke in said stroke data storage and the resulting ball position after said stroke.

Regarding Claim 19:

- the stroke register includes a manually actuated switch contact.

Regarding Claim 24:

- the location data is transferred from said portable data collection unit to a data processor external to said portable data collection unit.

Regarding Claim 29:

- the data processor further includes means for generating a golf course plot with the location of all recorded strokes.

Regarding Claim 30:

- the data processor further includes means for printing commemorative certificates for predetermined events.

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Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 2-3, 5-6, 9-11, 20, 25-28, 31-32, 36-41, 45-51, and 81-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves in view of Germain.

Reeves discloses that as discussed above with respect to Claims 1, 4, 7-8, 12-19, 24, 29, and 30. Additionally, Reeves discloses:

Regarding Claim 28:

- the graphic display is adapted to indicate the region on the course within which the ball will probably rest following the user's next stroke taking into consideration the club selected by the user and a predetermined skill level.

Regarding Claim 37:

- a stroke register to register each stroke taken by a user.

Regarding Claim 38:

- stroke data storage for storing data for each stroke taken until said data can be subsequently retrieved for further analysis or long-term storage.

Regarding Claim 40:

- the stroke register includes a manually actuated switch contact.

Regarding Claim 50:

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- the display is adapted to show a user the probable distance a ball will travel when struck by a selected club.

Reeves seems to meet all of the applicant's claimed subject matter with the possible exception of :

Regarding Claim 2:

- course data is transferred to the portable data collection unit via a wireless communication link.

Regarding Claim 3:

- the wireless communication link is a cellular telephone data channel.

Regarding Claim 5:

- the course data is transferred to said portable collection unit from a data file accessible via the Internet.

Regarding Claim 6:

- the course data is transferred to said portable data collection unit by installing removable data memory media to said portable unit.

Regarding Claim 9:

- the portable unit includes a data storage containing data relating to a predetermined skill level.

Regarding Claims 10 and 34:

- the predetermined skill level is based upon the users past performance skill level.

Regarding Claims 11 and 51:

- the graphic display is adapted to show a user's position on a green, the cup in said green, and a representation of forces on a ball on said green along a line between said user position and said cup.

Regarding Claims 20 and 41:

- stroke register includes said microprocessor adapted for voice recognition of at least one selected word.

Regarding Claim 25:

- the location data is transferred from the portable data collection unit to a data file accessible via the Internet.

Regarding Claim 26:

- the location data is transferred from the portable data collection unit via wireless communication link.

Regarding Claim 27:

- the wireless communication link is a cellular telephone data channel.

Regarding Claim 31:

- the graphic display is adapted to show a user information on the break of a putt from a straight line extending from said user's position on a green to the cup in said green.

Regarding Claim 32:

- the same limitations indicated in Claim 1 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network.

Regarding Claim 33:

- the display is adapted to show the club the user intends to use for the next stroke.

Regarding Claim 35:

- the display is adapted to show the time remaining to complete some selected portion of a golf round.

Regarding Claim 36:

- the display is adapted to show the number of the hole currently being played.

Regarding Claim 39:

- the display is adapted to show the number of strokes a user has used on the current hole being played.

Regarding Claim 45:

- the stroke data is transferred from the said cellular radiotelephone via a cellular telephone data channel.

Regarding Claim 46:

- the stroke data is transferred from the cellular radiotelephone unit to a data processor external to the cellular radiotelephone.

Regarding Claim 47:

- the stroke data is transferred from the cellular radiotelephone to a data file accessible via the Internet.

Regarding Claim 48:

- the same limitations indicated in Claim 29 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network.

Regarding Claim 49:

- the same limitations indicated in Claim 30 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network.

Regarding Claim 81:

- the data processor is external to the cellular radiotelephone and the data processor is operatively connected to the cellular radiotelephone through wireless data transfer.

Regarding Claim 82:

- at least a portion of the data storage is external to the cellular radiotelephone.

Regarding Claim 83:

- the display is a proportional graphical map.

Regarding Claim 84:

- the display is an alphanumeric display.

Germain (U.S. Re. 36,346) teaches of an interactive golf game information system that receives, stores, analyzes, and outputs a plurality of different types of information related to golf.

Germain teaches:

Regarding Claim 2:

- course data is transferred to the portable data collection unit via a wireless communication link (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-55).

Regarding Claim 3:

- the wireless communication link is a cellular telephone data channel (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-55).

Regarding Claim 5:

- the course data is transferred to said portable collection unit from a data file accessible via the Internet. It is well known that Reeves' central data station (a personal computer) can easily access the Internet via a modem connection.

Regarding Claim 6:

- the course data is transferred to said portable data collection unit by installing removable data memory media to said portable unit (Abstract, Column 1, line 62-Column 4, line 8).

Regarding Claim 9:

- the portable unit includes a data storage containing data relating to a predetermined skill level (Column 8, lines 24-56).

Regarding Claims 10 and 34:

- the predetermined skill level is based upon the user's past performance skill level (Column 8, lines 24-56).

Regarding Claims 11 and 51:

- the graphic display is adapted to show a user's position on a green, the cup in said green, and a representation of forces on a ball on said green along a line between said user position and said cup (Figs. 4 and 5).

Regarding Claims 20 and 41:

- stroke register includes said microprocessor adapted for voice recognition of at least one selected word (Column 5, lines 53-61).

Regarding Claim 25:

- the location data is transferred from the portable data collection unit to a data file accessible via the Internet. It is well known that Reeves' central data station (a personal computer) can easily access the Internet via a modem connection.

Regarding Claim 26:

- the location data is transferred from the portable data collection unit via wireless communication link (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-55).

Regarding Claim 27:

- the wireless communication link is a cellular telephone data channel (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-55).

Regarding Claim 31:

- the graphic display is adapted to show a user information on the break of a putt from a straight line extending from said user's position on a green to the cup in said green (Figs. 4 and 5).

Regarding Claim 32:

- the same limitations indicated in Claim 1 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5). Germain teaches of cellular radiotelephone communications because his hand-held device can transmit data via a wireless satellite system or can be switched to communicate via a cellular telephone.

Regarding Claim 33:

- the display is adapted to show the club the user intends to use for the next stroke (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 35:

- the display is adapted to show the time remaining to complete some selected portion of a golf round (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 36:

- the display is adapted to show the number of the hole currently being played (Column 5, lines 53-61).

Regarding Claim 39:

- the display is adapted to show the number of strokes a user has used on the current hole being played (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 45:

- the stroke data is transferred from the said cellular radiotelephone via a cellular telephone data channel (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 46:

- the stroke data is transferred from the cellular radiotelephone unit to a data processor external to the cellular radiotelephone (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 47:

- the stroke data is transferred from the cellular radiotelephone to a data file accessible via the Internet. It is well known that cellular phones can easily access the Internet via wireless communications similar to the platform used by a hand-held Palm Pilot TM.

Regarding Claim 48:

- the same limitations indicated in Claim 29 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 49:

- the same limitations indicated in Claim 30 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5) .

Regarding Claim 81:

- the data processor is external to the cellular radiotelephone and the data processor is operatively connected to the cellular radiotelephone through wireless data transfer (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 82:

- at least a portion of the data storage is external to the cellular radiotelephone (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 83:

- the display is a proportional graphical map (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

Regarding Claim 84:

- the display is an alphanumeric display (Figs. 1, 3, 4, Column 6, line 55-Column 7, line 3, and Column 13, line 35-Column 14, line 5).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the enhancements of the interactive golf game information system of Germain in the golf round data system of Reeves. Doing so enables a golfer to access golf analysis, statistics, and golf course data anywhere and at anytime.

21. Claims 21-23, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves in view of Germain as applied to claims 1-20, 24-41, 45-51, and 81-84 above, and further in view of Lobsenz.

Reeves in view of Germain discloses that as discussed above with regards to Claims 1-20, 24-41, 45-51, and 81-84. Reeves in view of Germain seems to meet all of the applicant's claimed subject matter with the possible exception of:

Regarding Claims 21 and 42:

- the stroke register includes a microprocessor adapted to receive and recognize telemetry signals emitted by telemetry equipped golf clubs.

Regarding Claims 22 and 43:

- the telemetry signals include sounds emitted by a telemetry-equipped club when a stroke is taken with said club.

Regarding Claims 23 and 44:

- the telemetry signals include radio signals emitted by a telemetry-equipped club when a stroke is taken with said club.

Lobsenz (U.S. 6,030,109) teaches of a golf scoring system in which one or more sensors are positioned in close proximity to the location where a golf club strikes a golf ball in connection with a golf shot. Lobsenz teaches:

Regarding Claims 21 and 42:

- the stroke register includes a microprocessor adapted to receive and recognize telemetry signals emitted by telemetry equipped golf clubs (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

Regarding Claims 22 and 43:

- the telemetry signals include sounds emitted by a telemetry-equipped club when a stroke is taken with said club (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

Regarding Claims 23 and 44:

- the telemetry signals include radio signals emitted by a telemetry-equipped club when a stroke is taken with said club (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the golf scoring system of Lobsenz in the golf round information system of Reeves in view of Germain. Doing so enables the golf scoring system of Reeves in view of Germain to automatically count the numbers and types of strokes taken by a player during the course of a round of golf and for processing, displaying, and transmitting information based upon such count either in real time or after play has concluded.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Germain '548, Barber '537, Fraker et al. '789, Bianco et al. '088, Remedio et al. '677, Born et al. '679, Moriarty et al. '991, Wilens '566, Smith '917, Cornell '210, McEwan et al. '922, Fisher '485, Daver '854, Imasaka et al. '566, Johnson et al. '880, Miller '108, Lyon et al. '312, Bonito et al. '430, Chartrand '550, McGeary et al. '526, Colley '733, Morrison et al. '312, Hanley, Jr. '029, Bonito et al. '044, Narita '191, Kelson et al. '333, Lee '592, Kikuchi '973, and Walker '549 disclose methods, systems, and equipment to aid golfers in a round of golf.
- Karmel '541, Murphy et al. '362, and Baron, Sr. et al. disclose wireless systems that provide position, club selection, and weather information to golfers.
- Eisele et al. '459 discloses a smart diskette device adaptable to receive electronic medium.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

Scott E. Jones
Examiner
Art Unit 3713

SEJ

sej

September 20, 2001



MICHAEL O'NEILL
PRIMARY EXAMINER